

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 JOHN MORRIS

8 Plaintiff(s),

No. C 05-03413 MHP

9 v.

10 MERCK & CO., INC.

MEMORANDUM & ORDER
Re: Motion to Stay

11 Defendant(s).
12 _____/

13 On August 12, 2005, plaintiff JOHN MORRIS filed a complaint against MERCK & CO.,
14 INC. in the Superior Court of the State of California for the County of San Mateo. The complaint
15 seeks damages allegedly resulting from plaintiff's use of Vioxx, a drug manufactured by Merck. On
16 August 23, 2005, Merck removed the action to this court on the basis of diversity jurisdiction.
17 Presently before the court is Merck's motion to stay the action pending its transfer to the multidistrict
18 litigation ("MDL") proceeding that has been established to deal with the large volume of Vioxx-
19 related cases in federal court.

20 The power to stay proceedings in the interest of judicial economy is an inherent power left to
21 the discretion of the court. Landis v. North Am. Co., 299 U.S. 248, 254 (1936). Upon entry of this
22 order, Merck's motion to stay shall be deemed submitted. Unless plaintiff timely files a motion to
23 remand, Merck's motion to stay will be GRANTED and further proceedings in this action shall be
24 STAYED pending transfer of the action to MDL Proceeding No. 1657.

25 IT IS SO ORDERED.

26 Dated: October 24, 2005

27 
28 MARILYN HALL PATEL
United States District Court Judge
Northern District of California